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ECF filed: 1/13/10

Attorney for Debtors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

CASE NO. BK-09-54448gwz
Chapter 13

DANNY R. FIDENES,
MARIA LINDA FIDENES,
Debtors.

Date: February 12, 2010
Time: 2:00 P.M.
Place: U.S. Bankruptcy Court
300 Booth St.,
Reno, NV 89509

DANNY R. FIDENES,
MARIA LINDA FIDENES,
Movants,

vs.

WELLS FARGO HOME MORTGAGE
Respondent,

DEBTORS' MOTION FOR ORDER VALUING COLLATERAL

Debtors, DANNY R. FIDENES, MARIA LINDA FIDENES through their attorney of record, Nathan R. Zeltzer, Esq., move this Court for an order valuing their Real Property Residence in the amount of \$200,000.00 as of the date of the filing of their Petition herein.

Debtors are the owners of the above mentioned real property which is their residence in Reno, Nevada (hereinafter "the property"). The subject property is located 9315 Hummer Court, Reno, Nevada 89521. Debtors have obtained an Exterior Only - Residential Appraisal from Jeffrey W. Michael, Real Estate Appraiser valuing the property at \$200,000.00 as his opinion of the value of the property, see Appraisal as attached to the Affidavit of Jeffrey W. Michael as Exhibit "A".

1 The property is secured by a first deed of trust held by WELLS FARGO HOME
2 MORTGAGE in the approximate amount of \$216,000.00, a second deed of trust held by WELLS
3 FARGO BANK HOME MORTGAGE in the approximate amount of \$56,977.00, and a third deed
4 of trust held by WELLS FARGO HOME MORTGAGE in the approximate amount of \$63,863.00.

5 As the fair market value of the property is less than the amount owed on the first deed of
6 trust, as substantiated by the appraisal and supporting evidence, it is hereby requested that the
7 secured claim amount be reduced to the fair market value pursuant to 11 U.S.C. §506(a)&(d), and
8 11 U.S.C. §1325(a)(5)(b), and Bankruptcy Rule of Procedure 3012.

9 This Motion is made and based upon the notice of motion, and all exhibits and documents
10 in support hereof, filed herein.

11 WHEREFORE, Debtors pray:

- 12 1. That this Court enter its Order valuing Debtors' Real Property Residence at
13 \$200,000.00.
- 14 2. That the proof of claim filed, or to be filed, by WELLS FARGO HOME
15 MORTGAGE, on Debtors' second deed of trust shall be deemed as a general
16 unsecured claim without priority.
- 17 3. That the proof of claim filed, or to be filed, by WELLS FARGO HOME
18 MORTGAGE, on Debtors' third deed of trust shall be deemed as a general
19 unsecured claim without priority.

20
21 Respectfully Submitted,

22 Dated: 1/13/10

23 /s/ Nathan R. Zeltzer
24 Nathan R. Zeltzer, Esq.
25 Debtors' Attorney
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